

December 19, 2023

**VIA ECF**

The Honorable Craig T. Goldblatt  
United States Bankruptcy Court  
District of Delaware  
824 North Market Street, 3rd Floor  
Wilmington, DE 19801

RE: ***George L. Miller, Chapter 7 Trustee v. Todd S. Nelson, et al.; D. Del. Bankr. Adv. No. 20-50627 (CTG)***

Dear Judge Goldblatt:

I write jointly on behalf of George L. Miller, Chapter 7 Trustee (the “Trustee”) and Defendants (collectively, the “Parties”) to provide an update on the status of discovery that has taken place in the above-referenced adversary proceeding (the “Adversary Proceeding”) since our last correspondence on September 14, 2023.

As the Court is aware, due to the facts giving rise to the bankruptcy Petitions filed by Education Management Corporation and related entities (collectively, “EDMC”), the Parties did not have many documents or data elements necessary to fully evaluate the claims in this matter. As a result, the Parties have sought to locate additional sources of information and data necessary for the prosecution and defense of the matter. The Parties determined that a third party which acquired a significant portion of EDMC assets prior to the bankruptcy, Dream Center Foundation (“DCF”), held a substantial amount of information that could be potentially relevant to the current matter.

To secure this information, the Parties jointly served a subpoena on Mark Dottore, the Receiver for DCF, seeking information related to the pending claims. After substantial negotiation and subject to the Receiver’s objections to the subpoena, the Receiver agreed to permit the Parties access to the servers containing these documents and data. On December 13, 2023, the Parties jointly inspected the Receiver’s server for documents and data relevant to the claim and learned that the Receiver maintained approximately 60 terabytes of data potentially relevant to this matter (approximately 2.4 million bankers boxes of documents when converted from electronic data to paper).

During the December 13<sup>th</sup> inspection, with the assistance of an e-discovery vendor, the Parties obtained a modest amount of data and have begun the review process. More particularly, the Parties copied at the inspection the following folders from the Receiver’s server:

- Lawson – consisting of employee human resources data, accounts payable and general ledger (425 GB);

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- CRM-Complaint Management – containing student complaint resolution case files (7.5 GB);
- Policies and Procedures – may include EDMC’s policies and procedures during the relevant time period (371 MB);
- Client\_O – containing public relations files, including a subfolder containing archived EDMC files (264 GB); however, a portion of these items failed to copy and will need to be recollected at a later date; and
- Racer Receiver Documents – containing regulatory and compliance documents (57 GB).

The data collection obtained on December 13<sup>th</sup> yielded approximately 784 GB of data and 322,000 files, excluding files inside of containers (*e.g.*, zip files), which will increase the true file count.

Of more challenge, the Receiver maintains a folder with approximately 38 terabytes of data which may contain relevant documents and data, including emails and document collections related to the claims asserted. The Parties are in discussions to determine the most cost-effective and expeditious method to gather and review this material because, given the size of these files, they could not be collected in a single day and it is impracticable to conduct a traditional review.

The Parties believe that once the Receiver data is fully gathered and preliminarily analyzed in the next sixty (60) days, it will be possible to forecast the further progress of the case both in terms of additional discovery or, potentially, resolution.

Respectfully submitted,

/s/ Colin R. Robinson

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